

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CENTRAL STATES, SOUTHEAST  
AND SOUTHWEST AREAS PENSION  
FUND, and ARTHUR H. BUNTE, JR.,

Plaintiffs,

v.

SCHEEL'S CONCRETE, INC.,

Defendant.

Case No. 12-mc-50917

Paul D. Borman  
United States District Judge

Mona K. Majzoub  
United States Magistrate Judge

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**ORDER (1)ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION (Dkt. No. 38);  
(2) GRANTING PLAINTIFFS' MOTION TO CONTINUE HEARING (Dkt. No. 28); and  
(3) GRANTING IN PART PLAINTIFFS' MOTION FOR AN ORDER DIRECTING  
FORMSPEC TO DEPOSIT ALL PERIODIC PAYMENTS OWED TO SCHEEL'S WITH  
THE COURT (Dkt. No. 32)**

Before the Court is Magistrate Judge Mona K. Majzoub's Report and Recommendation.  
(Dkt. No. 38.) The parties were served with the Report and Recommendation on July 22, 2013.

Having reviewed the Report and Recommendation, and there being no timely objections  
from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court **ADOPTS** the  
Magistrate Judge's Report and Recommendation, **GRANTS** Plaintiffs' Motion to Continue Hearing  
(Dkt. No. 28), and **GRANTS IN PART** Plaintiffs' Motion for an Order Directing Formspeg to  
Deposit All Periodic Payments Owed to Scheel's With the Court (Dkt. No. 32).

As recommended by the Magistrate Judge, the Court **ORDERS** that discovery in this matter  
will remain open through October 31, 2013. The Court further **ORDERS** that Formspeg deposit the

monies and assets it holds for Scheel's benefit in a separate, interest-bearing account pending resolution of the priority dispute in this matter.

**IT IS SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 22, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 22, 2013.

s/Deborah Tofil  
Case Manager